



**Regular Meeting
LANSING PLANNING BOARD
September 6, 2016
6:30 p.m., Conference Room
Neighborhood Empowerment Center
600 W. Maple Street**

MINUTES

1. OPENING SESSION

Mr. Ruge called the meeting to order at 6:35 p.m.

- a. Present: John Ruge, Josh Hovey, Alisande Henry, Tony Cox, Lynne Martinez, Marta Cerna
- b. Excused Absence: Beth Graham
- c. Staff: Susan Stachowiak

Ms. Henry made a motion, seconded by Mr. Cox to grant an excused absence for Ms. Graham. On a voice vote, the motion carried unanimously (6-0).

2. APPROVAL OF AGENDA – Mr. Ruge approved the agenda by unanimous consent

3. COMMUNICATIONS – None

4. HEARINGS

a. SLU-4-2016, Special Land Use Permit – Residential Use in the “H” Light Industrial District - 400 & 414 N. Larch Street, 617 & 637 E. Shiawassee Street

Ms. Stachowiak said that this is a request by MV Affordable Housing, LLC for a special land use permit to construct 2, 77 unit residential buildings on the properties at 400 & 414 N. Larch Street, 617 & 637 E. Shiawassee Street and the vacant parcel east of 617 E. Shiawassee Street. The subject property includes 5 parcels totaling 5.25 acres, all of which are zoned “H” Light Industrial, which district permits residential use, if a special land use permit is approved by the Lansing City Council. Ms. Stachowiak said that staff is recommending approval of the request based on its compatibility with the surrounding land use and zoning patterns and with the future land use pattern being advanced in the Design Lansing Comprehensive Plan.

Ms. Stachowiak said that the target population for the development is low/moderate income families in one of the buildings and low/moderate income seniors in the other building. She said that there is already a residential condominium development on a parcel of land zoned “H” Light Industrial on the south side of E. Shiawassee Street along Pere Marquette. The other surrounding land uses include the Volunteers of America shelter and community resource building, office buildings and low impact industrial uses. Ms. Stachowiak said that the surrounding industrial uses are relatively quiet and low traffic volume uses that will not impact the quality of life for the residents of the proposed development. She also said that among the uses that would be permitted by right under the current “H” Light Industrial zoning are storage yards, manufacturing, heavy automobile repair and machine shops. These types of uses

have the potential to negatively impact the residential use to the south, both from an appearance standpoint and because of their potential to generate noise and heavy traffic. In addition, industrial uses are not consistent with the mixed use future land use pattern being advanced in the master plan for this area. Ms. Stachowiak stated that the proposed residential buildings are not only consistent with the Master Plan from a land use standpoint but also from a placemaking standpoint. She said that one of the buildings will be located at or near the front property line along E. Shiawassee Street with the parking to its rear and the buildings will have an urban architectural design.

Ms. Martinez asked if the commercial building that will remain on the site is still in use.

Josh Hughes, Miller Valentine LLC, stated that the commercial building at 414 N. Larch Street is still in use and will remain on the property. He said that his company manages about 14,000 residential units. When Miller Valentine develops a property, they build, own and manage it for at least 15 years. Ms. Hughes said that the project consists of 2 different developments. The building to the north will be for seniors while the building to the south will be for families. He said that the majority of the amenities (fitness center, office, etc.) will be in the family building. Mr. Hughes stated that each building will cost about 15 million dollars and they would like to begin construction in late 2017 or early 2018. He also stated that while the buildings will entirely residential, they will have larger windows on the first floor of the south building so that it has a mixed use design that will fit in well with the area.

Ms. Martinez said that playground/green space is essential when children are going to be living on the site. She said that it is critical for kids to be able to play outside for their health and wellbeing.

Mr. Ruge asked how close the north building will be to the west property line.

Ms. Stachowiak said that the zoning ordinance does not require a setback but the building code will require at least 10 feet.

Mr. Ruge said that there is an 8 foot high chain link fence behind Volunteers of America. He said that the view from the new buildings will be pretty bleak (railroad tracks, parking lot behind VOA, etc.). Mr. Ruge said that this project has the potential to be a very good development and also a very bad development. He said that the people who are going to be living there have unfortunate circumstances to begin with and the lack of green spaces, the views from the buildings on the surrounding land uses will not help their situation. Mr. Ruge said that he is concerned about moving this forward without more information on how the site will be landscaped, screened and buffered.

Mr. Ruge opened the public hearing.

Patrick Patterson, 414 N. Larch Street, Volunteers of America, stated that the VOA is interested in learning more about the project. He said that it could be a good use for the subject property and a positive thing for the community. Mr. Patterson said that the City can always use an increase in affordable housing. He also said that federal funding for senior housing has been eliminated so there is a great need for that as well.

Seeing no one else wishing to speak, Mr. Ruge closed the public hearing.

b. Zoning Ordinance Amendment - Community Gardens

Ms. Stachowiak said that the current Zoning Ordinance does not permit community gardens. There are some located around the City and they have been allowed by just basically considering them open space. Ms. Stachowiak introduced Michaela Oldfield, Food System Workgroup, who authored the proposed ordinance. She said that she and Ms. Oldfield have been working with a group of stakeholders, including Joan Nelson of the Allen Neighborhood Center and Eric Schertzing of Land Bank. Ms. Stachowiak stated that this has been a collaborative effort to develop an ordinance that would allow community gardens while still protecting the character of our residential neighborhoods. The ordinance provides for and regulates gardens, community garden urban farms and farm stands. Ms. Stachowiak said that the one area that she is not in agreement on with the rest of the stakeholder group is fencing. She said that the current ordinance will allow the gardens to be enclosed by a 4 foot high chain-link fence. The stakeholder group feels very strongly that the gardens need to be enclosed by a fence at least 6 feet high to keep animal, specifically deer, out.

Mr. Hovey asked if deer are a big problem in the City.

Ms. Stachowiak said that she was not aware that they were but according to several members of the stakeholder group, they are a big problem on the east side.

Mr. Hovey asked if there are other methods of keeping deer out such as spraying around the garden. He said that is what he does with his garden.

Ms. Martinez said that the problem is that you have to spray every time it rains. She also said that she would like to remove this matter from the consent agenda.

Mr. Ruge stated that this matter will be placed under Old Business.

Mr. Ruge opened the public hearing. He said that the Board is supportive of the ordinance. The only issue seems to be the height of the fence so if the comments could be limited to that, it would save a lot of time.

Joan Nelson, Allen Neighborhood Center, 1611 E. Kalamazoo Street, spoke in support of the proposed ordinance. She said that community gardens are important to the health, welfare and economy of the City. She said that access to fresh food, which is essential for proper nutrition, is very limited on the east side as there are no grocery stores in the area. Ms. Nelson said that the urban farms and community gardens have gone a long ways towards providing wholesome foods to the area.

Alex Bryan, 312 S. Magnolia Avenue, Greater Lansing Food Bank, distributed a fact sheet about community gardens. He said that there are 85 gardens in Lansing, about 130 of which are in the Garden Project network. These gardens grow about 570,000 pounds of food each year. About 4,000 individuals (1,300 families) benefit from the community gardens, 85% of whom

are of low-moderate income. Mr. Bryan said that there are about 350 low-moderate income families that garden at home, producing about 112,000 pounds of food each year. He said that deer and critters are a huge problem for gardeners and farmers. Mr. Bryan said that they do not want to have fences unless they are necessary but it does not do any good to plant a garden if it is just going to be destroyed by animals. He said that a 6 foot high fence is mostly adequate, although 8 feet would be better. Mr. Bryan said that the fences in the photographs that they provided are significantly less expensive than typical chain-link fences. He said that a couple of wires will not keep deer out. It will just injure them as they will not see it as they try to jump over the fence.

Mr. Hovey suggested a variance process to allow higher fences so that each individual case can be looked at on its own by the Board of Zoning Appeals. He said that this would also allow for a public process wherein the residents in the area would be able to voice their opinion about the taller fences.

Kirk Green, no address given, stated that there is a large deer population along I-496. He said that wires will not be sufficient as a deer will just tear them down when they are hopping over the fence. Mr. Green questioned whether, in the definition of a farm stand, the requirement for at least 50% of the produce grown on a particular site must be produced on and by the affiliated agricultural establishment, should be reduced.

Michaela Oldfield, 2033 Clifton, stated that this would not impact co-ops.

Phillip Kurzeja, 230 N. Fairview, spoke in support of the ordinance. He said that deer have been seen in many locations around the City and on the east side, in particular given the river, wooded areas, parks and golf courses.

Lacey Ingrao, 426 Allen Street, spoke in support of the proposed ordinance. She said that the urban farms on the east side have been impacted by deer. She asked if the fence variance would have to be renewed each year.

Ms. Stachowiak said that the variance is a one-time thing. She said that the variance would be handled as part of the approval process before the garden is even established. She said that the Board of Zoning Appeals meets each month and the decision is made at the meeting.

Seeing no one else wishing to speak, Mr. Ruge closed the public hearing.

5. COMMENTS FROM THE AUDIENCE

Steve Green, no address given, stated that he has grand mal seizures and medical marijuana is essential to his health. He asked that the City keep options open for medical marijuana dispensaries and there are a lot of people who depend on them.

6. RECESS – None.

7. BUSINESS

A. Consent Items

1. **Minutes for approval:** August 3, 2016 – approved without objection

B. Old Business

C. New Business

1. **SLU-4-2016, Special Land Use Permit – Residential Use in the “H” Light Industrial District - 400 & 414 N. Larch Street, 617 & 637 E. Shiawassee Street**

Ms. Martinez said that she would be in favor of tabling this matter until the October 4, 2016 meeting to give the applicant time to provide the Board with more details on the green space, landscaping, screening and buffering issues.

Mr. Hughes said that timing is a major factor as they are seeking tax credits through MSHDA and the deadline for filing is in October. He said that while he recognizes that the project cannot be approved by Council in October, given the number of meetings that have to occur, they will get points from MSHDA by having their zoning approvals progressing through the process.

Mr. Hovey said that he lived in the apartments at Pere Marquette and E. Shiawassee and the railroad was not an issue as you quickly get used to the sound. He said that there are parks nearby for recreational use and the views of the surrounding properties are part of living in an urban environment. Mr. Hovey said that the project is a major improvement to the property and he is comfortable voting on it so that it can move forward, although he does understand the concerns of the other members. He said that these are things that the Council could deal with during its approval process.

Mr. Cox stated that he appreciates the applicant's desire to invest in Lansing. He said that there seem to be other issues in terms of meetings dates that will prevent the applicant from meeting its October deadline. With that in mind, he said that he would be in favor of tabling the request until the applicant can address the issues that have been raised by the Board at this meeting. Mr. Cox said that he is supportive of the project but just wants to ensure that all issues are addressed.

Ms. Martinez asked that the SLU be removed from the consent agenda.

Mr. Ruge placed the SLU under New Business.

Ms. Martinez said that she appreciates the efforts to provide housing for lower income families/seniors. She said that the Board is just trying to ensure that the project serves the future residents well.

Ms. Stachowiak that issues that have been raised are:

1. Building entrances/orientation
2. Building setbacks

3. Landscape, screening and buffering, particularly in the areas where the site adjoins the VOA and the railroad tracks
4. Providing an outdoor area for children to play
5. Sound deadening devices

Ms. Martinez made a motion, seconded by Mr. Cox to table SLU-2-2016 until the applicant submits information addressing the items that have been raised at this meeting. On a voice vote, the motion failed (3-3). Ms. Henry, Mr. Hovey and Ms. Cerna cast the dissenting votes.

Ms. Henry stated that she feels that the issues that have been raised can be handled through placing conditions on the approval of the SLU.

Mr. Hovey agreed.

Mr. Cox stated that he too would be supportive of moving the request forward as long as there are conditions in place to address the issues.

Ms. Henry made a motion, seconded by Mr. Cox to recommend approval of SLU-4-2016, a Special Land Use permit to allow the development of 2, 77 unit residential buildings with related site improvements on the properties at 400 & 414 N. Larch Street, 617 & 637 E. Shiawassee Street and the vacant parcel east of 617 E. Shiawassee Street, based upon the findings of fact as outlined in this staff report, with the conditions that all non-required parking spaces are converted to a green space/play area for children and landscaping, screening and buffering as required by Section 1290.08 of the Zoning Ordinance is provided along all interior lot lines. On a roll call vote, the motion carried 6-0.

2. Zoning Ordinance Amendment – Community Gardens

Ms. Henry made a motion, seconded by Mr. Cox to recommend approval of the proposed ordinance amendment regulating community gardens.

Ms. Martinez proposed a friendly amendment:

In commercial and industrial districts, *except in Overlay Districts*:

1. GARDENS are allowed by right.
2. COMMUNITY GARDENS are allowed subject to special conditions.
3. URBAN FARMS are allowed subject to special conditions..
4. FARM STANDS are permitted as an accessory use where located on the same parcel as an URBAN FARM.
5. *In Overlay Districts, Gardens, Community Gardens and Urban Farms require a Special Land Use Permit.*

Ms. Henry and Mr. Cox accepted the friendly amendment. On a voice vote (6-0), the motion carried unanimously.

Ms. Martinez excused herself from the meeting.

3. Zoning Ordinance Amendment – Medical Marijuana Facilities

At-Large Councilmember Carol Wood reviewed the proposed ordinance. She said that the proposed ordinance requires a distance of 1,000 feet from a medical marijuana dispensaries and any school, park, playground or child care center. A distance of 500 feet would be required from any church or substance abuse treatment facility. In addition, a minimum separation distance of 500 feet between medical marijuana facilities would be required. Councilmember Wood said that the previous ordinance, which was determined to be unenforceable by the City Attorney at that time, allowed a maximum of 42 facilities city wide. The proposed ordinance being considered at this time does not have a cap on the number of dispensaries that would be permitted in the City. Councilmember Wood said that the dispensaries would be permitted in the “F” & “F-1” Commercial, “G-2” Wholesale and “H” & “I” Industrial districts. Grow operations would be permitted in the industrial districts only.

Councilmember Wood stated that the licensing fees have been increased to cover the costs of processing and monitoring the licenses. She said that the goal is simply to license medical marijuana facilities and regulate them in a manner that is reasonable and provides for said facilities while ensuring that they do not negatively impact the areas in which they are located. Councilmember Wood stated that the City Attorney has met with numerous community and interest groups that have had varying opinions about these type of facilities and the proposed ordinance seeks to balance the needs of those all parties concerned.

Ms. Cerna asked why other uses are not required to have \$25,000 on hand to receive a license.

Councilmember Wood stated that other communities are requiring it to ensure that everything is done correctly. She said that the City is not collecting any additional taxes for these facilities.

Ms. Cerna asked why so many facilities are necessary when there are so few card carrying medical marijuana patients in Ingham County.

Councilmember Wood said that a lot of other communities are not allowing dispensaries at all so they are all coming to Lansing.

Ms. Henry said that the Senate bills that are in process right now are HB4209, 4210 and 4827.

Mr. Cox excused himself from the meeting.

Mr. Hovey said that the ballot issue was to allow marijuana as a medical product. He asked why medical marijuana is being treated differently from any other medical product/medication. He also asked how many of the existing facilities will not be able to meet the new ordinance requirements.

Councilmember Wood stated that we do not know where all of the facilities are and it will make a difference as to which ones get licensed first because then the 500 foot separation distance requirements between facilities will come into play.

Mr. Hovey said that it would seem that we would want the grow operations to be concentrated together in industrial areas and therefore, maybe there should not be a separation distance required for grow operations.

Mr. Ruge asked if there has been any statistics provided with regard to increases in crime surrounding the dispensaries.

Councilmember Wood said that statistics have shown an increase in crime following the opening of dispensaries on E. Michigan Avenue since 2011. She said that she can provide the crime statistics to the Board.

Mr. Ruge asked if a map could be provided that shows the area where a dispensary could be located as opposed to the area where it would be prohibited under the provisions of the proposed ordinance.

Ms. Stachowiak said that she would work with IT to obtain the map that Mr. Ruge asked for. She also said that a public hearing on the proposed ordinance will be held at the October 4, 2016 meeting. Ms. Stachowiak said that if the Board has any questions or concerns between now and then, it would be helpful if the Board members could email them to her so that they can be addressed prior to the meeting so that the ordinance can be acted upon at the October 4, 2016 meeting.

8. REPORT FROM PLANNING MANAGER Form-Based Code

Ms. Stachowiak said that a tentative schedule for adoption of the form-based code was included in the packet for informational purposes only.

9. COMMENTS FROM THE CHAIRPERSON - None

10. COMMENTS FROM BOARD MEMBERS

Ms. Henry said that she is unable to attend the October meeting.

Mr. Hovey made a motion, seconded by Ms. Cerna, to grant an excused absence for Ms. Henry from the October 4, 2016 meeting. On a voice vote, the motion carried 4-0.

11. ADJOURNMENT – Chairman Ruge adjourned the meeting at 8:45 p.m.